

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD M. HARRIS,

Plaintiff,

v.

PENNSYLVANIA BOARD OF  
PROBATION & PAROLE, et al.,

Defendants.

NO. 3:12-CV-00674

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

ORDER

NOW, this 24<sup>th</sup> day of September, 2015, upon review of the Report and  
Recommendation of Magistrate Judge Saporito (Doc. 99) for plain error or manifest  
injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 99) is **ADOPTED in its entirety**.
- (2) Defendants' Motion for Summary Judgment (Doc. 84) is **GRANTED in part**  
**and DENIED in part**.
- (3) Defendants' Motion for Summary Judgment is **GRANTED** as to Plaintiff's Ex Post Facto Clause claim (Count 1 of the Second Amended Complaint), Double Jeopardy claim (Count 2 of the Second Amended Complaint), Fourteenth Amendment Due Process claim (Count 4 of the Second Amended Complaint), and First Amendment retaliation and access to courts claim (Count 5 of the Second Amended Complaint).
- (4) The following Defendants are dismissed from this action: Lisa Hollibaugh, the Pennsylvania Board of Probation & Parole, Kimberly Barkley, John Wetzel, Jon Fisher, and Charles Smith.

- (5) Defendants' Motion for Summary Judgment is **DENIED** as to Plaintiff's Equal Protection claim (Count 3 of the Amended Complaint) as it relates to Defendants B. Bowman, Lisa Moffa, and Mandy Biser.
- (6) The matter is **RECOMMITTED** to Magistrate Judge Saporito.



A. Richard Caputo  
United States District Judge